

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CIV 22-0830 JB/JFR

WILLIAM C. GARDNER, DDS,

Defendant.

ORDER¹

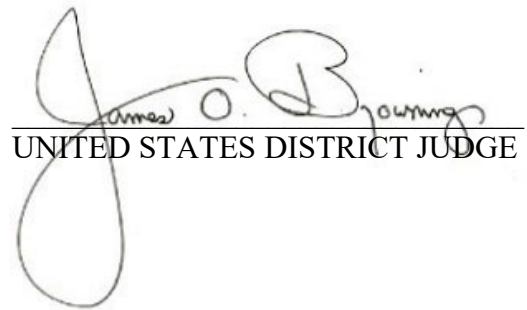
THIS MATTER comes before the Court on the Plaintiff’s Motion for Summary Judgment and Memorandum in Support, filed December 23, 2024 (Doc. 165)(“MSJ”). The Court held a hearing on January 30, 2025. See Clerk’s Minutes at 1, filed January 30, 2025 (Doc. 183). Defendant William C. Gardner, DDS, opposes the MSJ. See Defendant’s Response to Plaintiff’s Motion for Summary Judgment [Doc. 165] [sic] at 1-8, filed January 15, 2025 (Doc. 174). The primary issue is whether Dr. Gardner violates the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. §§ 801-971 (“CSA”), by issuing ninety-four prescriptions for controlled substances during a period when his State dental license was revoked and State controlled substances license was expired. For the reasons stated on the record at the hearing, see Draft Transcript of Hearing at 80:25-82:7 (taken January, 30, 2025)(Court)(“January 30, 2025, Tr.”)², the Court grants the MSJ. Regarding penalties, the United States requests \$5,000.00 for each of Dr. Gardner’s unlawful prescriptions. See MSJ at 17. Dr. Gardner’s counsel argues that \$2,500.00 for

¹This Order disposes of the Plaintiff’s Motion for Summary Judgment and Memorandum in Support, filed December 23, 2024 (Doc. 165). The Court will issue at a later date, however, a Memorandum Opinion more fully detailing its rationale for this decision.

²The Court’s citations to the transcript of the hearing refer to the court reporter’s original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

each unlawful prescription is appropriate. See January 30, 2025 Tr. at 59:21-24 (Davis). Considering Dr. Gardner's culpability, the public harm that Dr. Gardner's violations causes, Dr. Gardner's profits from the violations, and Dr. Gardner's ability to pay, the Court concludes that \$4,000.00 for each of Dr. Gardner's unlawful prescriptions is appropriate.

IT IS ORDERED that: (i) the requests in the Plaintiff's Motion for Summary Judgment and Memorandum in Support, filed December 23, 2024 (Doc. 165), are granted in part and denied in part; and (ii) the Defendant must pay \$4,000.00 in penalties for each of his unlawful prescriptions.



UNITED STATES DISTRICT JUDGE

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